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FACSIMILE TRANSMITTAL SHEET

TO: Examiner T.P. Knowlin	FROM: Alexander B. Ching, Reg. No. 41,669
COMPANY: USPTO	DATE: TUESDAY, DECEMBER 20, 2005
FACSIMILE NUMBER: 571-273-8300	TOTAL NO. OF PAGES INCLUDING COVER: 9
PHONE NUMBER: 571-272-7486	SENDER'S REFERENCE NUMBER: H0001394-5542
RE: Notice of Appeal	RECIPIENTS REFERENCE NUMBER: 09/902,963

URGENT   FOR REVIEW   PLEASE COMMENT   PLEASE REPLY   PLEASE RECYCLE

NOTES/COMMENTS:

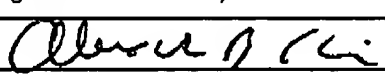# FORMAL COMMUNICATION INTENDED FOR ENTRY

PTO/SB/21 (09-04)
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/902,963
Filing Date	July 10, 2001
First Named Inventor	William G. SAMPLE
Art Unit	2842
Examiner Name	T.P. Knowlin
Attorney Docket Number	H0001394-5542

Total Number of Pages in This Submission: 8

ENCLOSURES   ·(Check all that apply)

☐ Fee Transmittal Form
  ☐ Fee Attached
☐ Amendment/Reply
  ☐ After Final
  ☐ Affidavits/declaration(s)
☐ Extension of Time Request
☐ Express Abandonment Request
☐ Information Disclosure Statement
☐ Certified Copy of Priority Document(s)
☐ Reply to Missing Parts/ Incomplete Application
  ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53

☐ Drawing(s)
☐ Licensing-related Papers
☐ Petition
☐ Petition to Convert to a Provisional Application
☐ Power of Attorney, Revocation Change of Correspondence Address
☐ Terminal Disclaimer
☐ Request for Refund
☐ CD, Number of CD(s) _____
  ☐ Landscape Table on CD

☐ After Allowance Communication to TC
☐ Appeal Communication to Board of Appeals and Interferences
☑ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
☐ Proprietary Information
☐ Status Letter
☑ Other Enclosure(s) (please identify below):
Pre-Appeal Brief Request For Review; Arguments Accompanying Pre-Appeal Brief Request For Review

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Ingrassia Fisher & Lorenz, PC
Signature	*(signature)*
Printed name	Alexander B. Ching
Date	December 20, 2005	Reg. No. 41,669

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	*(signature)*		
Typed or printed name	Alexander B. Ching	Date	December 20, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Doc Code: AP.PRE.REQ

PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number (Optional)
	H0001394-5542

Application Number	Filed
09/902,963	July 10, 2001

First Named Inventor	
William G. SAMPLE	

Art Unit	Examiner
2642	T. P. Knowlin

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.
Registration number __41,669__

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

Signature

Alexander B. Ching
Typed or printed name

480 385-5060
Telephone number

December 20, 2005
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☒ Total of __1__ forms are submitted.

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UTILITY PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	09/902,963	Confirmation No. 9212
Applicant	:	William G. Sample	
Filed	:	July 10, 2001	
TC/A.U.	:	2642	
Examiner	:	Knowlin, Thjuan P.	
Docket No.	:	H0001394--5542	
Title	:	NAVIGATION MORSE DECODE DISPLAY	

ARGUMENTS ACCOMPANYING PRE-APPEAL BRIEF REQUEST FOR REVIEW

I.   Status of Claims

Claims 1-72 remain pending in this application, with claims 1, 10, 25, 31, 39, 48, 59 and 66 being the independent claims.

II.   Rejections under 35 U.S.C. § 102

Claims 1-72 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,282,417 to Ward (*Ward*).

Independent claim 1 relates to a device that compares "a decoded radio frequency identifier and one of the stored radio frequency identifiers in the database" and then generates "a display signal based on the comparison." Independent claim 10 relates to a device that includes "a means for comparing a decoded radio frequency identifier and the selected one of the stored radio frequency identifiers" and a "means for generating a comparison signal as a function of the comparing the decoded radio frequency identifier and the selected one of the stored radio frequency identifiers. Independent claim 19

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relates to a display device that includes "a processor . . . for comparing the decoded identifier with the selected one of the radio frequency identifiers, and for generating a signal on an output coupled to the third input of the display as a function of the comparing." Independent claim 25 relates to a method for displaying a radio frequency identifier comprising the steps of "determining a correspondence between the database information and the received radio frequency signal; and generating a signal as a function of the correspondence between the database information and the received radio frequency signal."

Independent claim 31 discloses a method for controlling the display of information comprising the steps of "receiving a decoded coded signal from a radio navigation station; correlating the decoded signal to a known radio navigation station; retrieving information corresponding to the known radio navigation station from a database of stored information; and making the retrieved information available on an output from the database." Independent claim 39 discloses a method for controlling the display of information, comprising the steps of "comparing a decoded radio frequency identifier and the selected one of the stored radio frequency identifiers; and generating a comparison signal as a function of the comparing the decoded radio frequency identifier and the selected one of the stored radio frequency identifiers."

Ward discloses a method and a system for displaying multiple radio frequencies on a display. In *Ward*, the frequency displayed is the frequency for a given air traffic control (ATC) sector. Since different ATC sectors operate on different radio frequencies, as an aircraft moves from one ATC sector to another ATC sector, the frequency used to contact the ATC changes. In the invention of *Ward*, the aircraft tracks its position using navigation systems such as the global positioning system (GPS), the very high omni-range system (VOR) and the like. This positional information is used in conjunction with a database and a CPU. The CPU can use the determined position as a database query to find the appropriate frequency to use and display. In another embodiment, expected frequencies are determined from a preplanned route based on an aircraft position.

The Examiner asserts that *Ward* discloses all limitations of claims 1-72. The Examiner claims *Ward* discloses comparing a decoded radio frequency identifier

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(columns 12-17, lines 54-10) and comparing the stored radio frequency identifier in the database (column 9, lines 1-20, and columns 9-10, lines 39-10). However, the Examiner misinterprets the *Ward* disclosure. At columns 12-13, lines 54-10, *Ward* is merely explaining the activation of a start control function that can determine radio frequencies available when the aircraft is on the ground based on position of the aircraft. Nowhere in the cited sections is it disclosed a decoded radio frequency is compared to a stored radio frequency, as in claim 1 and similarly in independent claims 10, 19, 25, 31 and 39.

Further, column 9, lines 1-20 recites the parts of a radio control head. Columns 9-10, lines 59-10 disclose that the radio frequency can be displayed on the radio control head. Column 10, lines 24-32 discloses that the CPU can determine the present position appropriate frequency and display that frequency. Thus, that particular section of *Ward* discloses how *Ward* determines aircraft position and uses the position to determine a radio frequency to use. Thus, nowhere in these sections cited by the Examiner, or in any art of the specification of *Ward,* is the concept of "using a decoded frequency identifier to compare to a stored radio frequency identifier" disclosed, taught, or suggested. Therefore, the rejection of claims 1, 10, 19, 25, 31 and 39 under 35 U.S.C. § 102(e) should be withdrawn.

Independent claim 59 discloses a Morse radio frequency signal identifier decoder, comprising:

> a means for converting a detected Morse radio frequency signal having a coded identifier into an in-phase signal and a quadrature-phase signal and reducing the sampling frequency to a predetermined level;
> a means for filtering the respective in-phase and quadrature signals into a predetermined plurality of filter components and to further reducing the sampling frequency;
> a means for searching across the plurality of filter components to predict which of the filter banks contains an identification string of a detected radio signal;
> a means for operating a most-likely sequence estimator on outputs of the searching means; and a means for converting a series of 1's and 0's into an estimate of dot, dash, space and word locations in a detected signal.

Independent claim 66 discloses a method for decoding identification strings in a Morse coded radio frequency signal comprising:

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converting a detected Morse coded radio frequency signal having an identification string into an in-phase signal and a quadrature-phase signal and reducing the sampling frequency to a predetermined level;

filtering the respective in-phase and quadrature signals into a predetermined plurality of filter components and to further reducing the sampling frequency;

searching across the plurality of filter components and predicting which of the filter banks contains an identification string of a detected radio signal;

operating a most-likely sequence estimator on outputs generated by the searching across the plurality of filter components and predicting which of the filter banks contains an identification string of a detected radio signal; and

converting a series of 1's and 0's into an estimate of dot, dash, space and word locations in a detected signal.

The Examiner asserts that *Ward* discloses all limitation of these claims. Specifically, the Examiner argues that *Ward* shows the decoding of Morse code and the converting of a Morse code signal having a coded identifier into an in-phase signal and a quadrature-phase signal at column 5, lines 12-14, column 10, lines 11-23 and columns 12-13, lines 54-11. However, column 5, lines 12-14 simply states that one of the navigational aids, the VOR, transmits its identity using Morse code. *Ward*, at column 10, lines 11-25, states that the CPU can take navigational information from a number of sources and determine a location. Columns 12-13, lines 54-11 discuss the acquiring of frequency when the aircraft is on the ground using a start feature. Never is it mentioned in those sections or in any other section of *Ward* that a Morse coded identifier is decoded by a decoder. Indeed, *Ward* provides no new teachings on the use of the Morse code identifier of the VOR; *Ward* simply states that the VOR uses Morse code. *Ward* further does not disclose other limitations of claims 59 and 66 such as an in-phase signal, a quadrature-phase signal, or a most-likely sequencing estimator. Therefore, the rejection of claims 59 and 66 under 35 U.S.C. § 102(e) should be withdrawn.

Considering independent claim 48, the Applicant can not find a specific rejection of claim 48. Applicant does note that claim 48 recites, in part, "a down-sampler quadrature filter bank coupled to receive a detected Morse radio frequency signal having a coded identifier and structured to convert a received signal into an in-phase signal and a quadrature-phase signal and reduce the sampling frequency to a predetermined level."

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Claim 48 further recites in part, "a viterbi most-likely sequence estimator coupled to the presence detector and structured to operate a most-likely sequence estimator on outputs of the presence detector." These limitations are not found in *Ward*. Therefore, the rejection of claim 48 under 35 U.S.C. § 102(e) should be withdrawn.
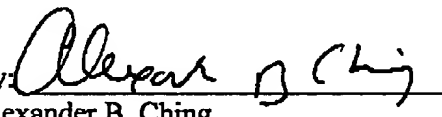
III.   Conclusion

In view of the foregoing, it is submitted that the Examiner's reliance upon *Ward* does not support the rejection of independent claims 1, 10, 19, 25, 31, 39, 48, 59, and 66. As such, the above-noted rejections should be withdrawn and the Applicants request that the reviewing panel find that the present application is in condition for allowance.

If for some reason Applicant has not paid a sufficient fee for this response, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

INGRASSIA FISHER & LORENZ

Dated: December 20, 2005

By: Alexander B. Ching
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